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[Additional Counsel for Plaintiff on
Signature Page of Motion]

Attorneys for Plaintiff FLO & EDDIE, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

FLO & EDDIE, INC., a California
corporation, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SIRIUS XM RADIO, INC., a Delaware
corporation; and DOES 1 through 10,

Defendants.

Case No. CV13-05693 PSG (GJSx)

**DECLARATION OF ERIC
KIERKEGAARD
IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL
OF CLASS ACTION
CERTIFICATION AND
SETTLEMENT**

Date: May 8, 2017
Time: 1:30 pm
Place: Courtroom 86A

1 Court on June 16, 2016 (Doc. No. 317) and reapproved by the Court in the
2 Preliminary Approval Order, in the following periodicals, as follows:

- 3 • The Tennessean (issue sale dates February 15 and 19, 2017);
- 4 • Billboard Magazine (issue sale dates February 17, 2017, and March 3,
5 2017, and publication dates February 25, 2017, and March 11, 2017);
- 6 • Music Connection (publication dates February 22, 2017, and March
7 29, 2017).

8 A true and correct copy of the Short Form Class Notice is attached hereto as
9 **Exhibit B.**

10 6. Tear sheets featuring the Short Form Notices in the above
11 publications are attached hereto as **Exhibit C.**

12 7. GCG caused a Press Release to be distributed over *PR Newswire's*
13 *US1 Newswire* and *National Hispanic Newswire* announcing the Notice in English
14 and Spanish media outlets across the country. *US1 Newswire* and *National Hispanic*
15 *Newswire* are accessible to thousands of newspapers, magazines, national wire
16 services and networks, online services, databases and websites. Copies and
17 confirmations of the Press Release that was distributed by PR Newswire on February
18 13, 2017, at 9:00 AM ET in English and Spanish are collectively attached hereto as
19 **Exhibit D.**

20 8. Pursuant to the Preliminary Approval Order, Class Members had the
21 opportunity to request exclusion from the Class by submitting a written request for
22 exclusion so that it was received no later than March 8, 2017. A total of one
23 member of the Class served a request for exclusion. The single request for
24 exclusion received from a Class Member, Gusto Records, Inc., is attached hereto as

25 //
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1 **Exhibit E.**

2 9. Four other purported requests for exclusion were received from non-
3 Class Members who are excluded from the class by virtue of being direct licensors
4 of Sirius XM.

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct.

7 Executed this 5th day of April, 2017, at Seattle, Washington.

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9 
10 ERIC KIERKEGAARD

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